

PATENT
358072.00100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Douglas Peery

Art Unit: Not Assigned

Examiner: Not Assigned

Serial No: 10/663,392

Filed: September 16, 2003

For: DRYWALL CONSTRUCTION DEVICE

**TRANSMITTAL OF INFORMATION DISCLOSURE
STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sirs:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450, on

MAY 5, 2004

Date of Deposit

Stefania B. Cavoto

Name

Signature

05/05/04

Date

1. ☐ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application other than a continued prosecution application, or within three months of the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114, whichever event occurs last. 37 C.F.R. §1.97(b).
2. ☒ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(b), but *before* the mailing date of a final action under §1.113, or a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, whichever occurs first. A statement specified in §1.97(e) or a fee set forth in §1.17(p) is included. 37 C.F.R. §1.97(c).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☒ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

OR FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).
- ☐ Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00) to Deposit Account No. 50-2603, referencing docket number _____. A copy of this petition is enclosed.
3. ☐ The information disclosure statement transmitted herewith is being filed *after* the period specified in §1.97(c), but before, or simultaneously with the payment of the issue fee. A statement specified in §1.97(e) and a fee set forth in §1.17(p) are included. 37 C.F.R. §1.97(d).

§1.97(e) STATEMENT

I, the person signing below, state:

- ☐ that each item of information contained in the information disclosure statement was first cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

AND FEE

- ☐ Attached is a fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(d). (\$180.00).
- ☐ Please charge the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00) to Deposit Account No. 50-2603, referencing docket number _____. A copy of this petition is enclosed.
4. The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) [37 C.F.R. § 1.97(h)]. Further, applicants make no admission that all references presented here are prior art in relation to the present application.
5. If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-2603. **A copy of this petition is enclosed.**
6. A list of 8 reference(s) is in the enclosed Form PTO-1449. Pursuant to 37 C.F.R. § 1.98(d), a copy of the listed reference(s) is not provided.

NON-ENGLISH LANGUAGE REFERENCES

- ☐ Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- ☐ The specification incorporates comments on the relevancy of Non-English language references.
- ☐ Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

Respectfully submitted,

REED SMITH LLP

Date: May 5, 2004

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FORM PTO-1449

Docket Number (Optional)
358072.00100Application Number
10/663,392

Applicant

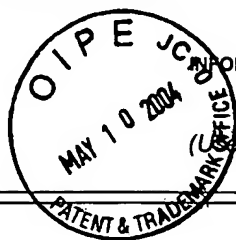
Douglas Peery

Filing Date

September 16, 2003

Group Art Unit

N/A

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	US3,748,815	Jul. 31, 1973	Alvin S. Parker	52	714	
	US6,067,691	May 30, 2000	Jeffrey L. Feltman	24	295	
	US6,408,589	Jun. 25, 2002	Donavan G. Bousquet	52	714	
	US2,730,209	Jan. 10, 1956	Franklin F. Larsen	189	34	
	US3,387,418	Jun. 11, 1968	James W. Tyrer	52	242	
	US3,228,160	Jan. 11, 1966	John Glennon O'Brien	52	242	
	US5,901,515	May 11, 1999	Yao-Chung Chen	52	263	
	US3,481,090	Dec. 2, 1969	Leo Joseph Lizée	52	241	

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.